

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

No claims have been amended. New claim 29 has been added.

This amendment adds a claim in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as above, claims 1-4 and 6-29 are pending in the application.

Rejection under 35 U.S.C. § 101

Claims 1-12 stand rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection for at least the following reasons.

The Office Action on page 2 states: “Claims 1-12 the ‘method’ reads on a mental construct/abstract idea or at best a computer program, per se.” Applicant respectfully submits that claims 1-12 recite steps that are more than a mere construct/abstract idea, but are steps that involve tangible structure. For example, claim 1 recites “providing an image on said display”, “identifying via an identifier on said display a status of said image, said identifier being viewable only during a predetermined time criteria” and “wherein the step of identifying via an identifier on said display a status of said image comprises the step of embedding a link to said identifier.” The display, identifier on the display, and embedding a link in claim 1 all involve tangible structure, and claim 1 is statutory subject matter under 35 U.S.C. § 101. Moreover, the presently claimed invention clearly has practical applications, such as for maintaining a WebPage, and thus is statutory subject matter under 35 U.S.C. § 101. See Ex parte Lundgren, Board of Patent Appeals and Interferences, 2005 (provided on PTO website). Analogous arguments apply to independent claim 8, and pending dependent claims 2-4, 6-7, and 9-12. Accordingly, applicant respectfully requests that the rejection under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-4 and 6-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0049648 A1 to Naylor et al. (hereafter “Naylor”) in view of U.S. Patent No. 6,466,917 to Goyal et al. (hereafter “Goyal”). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Naylor and Goyal and further in view of U.S. Patent No. 6,025,837 to Matthews, III et al. (hereafter “Matthews”). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 recites “identifying via an identifier on said display a status of said image, said identifier being viewable only during a predetermined time criteria” and “wherein the step of identifying via an identifier on said display a status of said image comprises the step of embedding a link to said identifier.” The references cited in the rejections fail to suggest this combination of features as recited in claim 1.

Naylor discloses an electronic marketplace for auctioning non-exclusive rights in intangible property (title). The Web pages of Naylor allow sellers and buyers to perform transactions concerning images. For example, FIG. 4 illustrates a web page that confirms that an uploaded image 34 of a seller is in a sales folder (paragraph [0018]), FIG. 20 illustrates a web page where a buyer is informed that an offer was accepted, and provides a link 80 to allow a buyer to download an image immediately (paragraph [0019]), and FIG. 22 illustrates a web page where a buyer may agree to terms of a license and download an image (paragraph [0019]).

Naylor, however, does not suggest as in claim 1, identifying via an identifier on a display a status of an image, where the step of identifying comprises the step of embedding a link to the identifier. The Office Action cites to paragraphs [0018] and [0019] of Naylor, and in particular to FIGs. 20 and 22 as disclosing embedding a link to an identifier. Even if the web pages of FIGs. 20 and 22 suggest a link, however, any such link is not to an identifier of a status of one of the images of Naylor. The link 80 in FIG. 20 refers to the offer, and whether or not it has been accepted, and allows a buyer to download an image immediately (See paragraph [0019]). The boxes in box 86 of FIG. 22 are to allow a buyer to provide affirmative input to accept license terms (See paragraph [0019]). Neither the web page of

FIG. 20, nor the web page of FIG. 22 suggest an embedded link to an identifier, where the identifier identifies a status of an image of Naylor.

Goyal does not cure the deficiencies of Naylor. Goyal was cited for disclosing a verification icon that may expire upon a predetermined period of time, but also fails to suggest an embedded link to an identifier, where the identifier identifies a status of an image.

Moreover, Goyal does not suggest modifying the Naylor system to provide the limitation of claim 1 of “said identifier being viewable only during a predetermined time criteria.” The Office Action cites to Goyal at col. 8, lines 30-45 as disclosing a user interface which displays a user identifier 354 and a verification icon 352 where the verification icon may expire upon a predetermined time period. The verification icon 352, however, is not an identifier of the status of an image, but merely identifies a source of verification. Thus, Goyal provides no suggestion that any identifier of a status of an image in Naylor be such so as to be viewable only during a predetermined time. Thus even if Naylor were modified according to the teachings of Goyal, the resultant system still would not provide an “identifier being viewable only during a predetermined time criteria” as recited in claim 1, where the identifier identifies a status of an image on a display.

The Office Action states on page 4 with respect to modifying Naylor in view of Goyal:

One of ordinary skill would be motivated to perform such a modification provides users a convenient vehicle for verifying the identity of a participant in a transaction facility using a seamlessly integrated, real-time process and for making a verification result readily available to other participants.

Applicant submits, however, that verifying the identity of a participant in a transaction is not the same as providing an identifier of a status of an image on a display. Thus, even if Naylor and Goyal were combined, the resultant system would not meet all the limitations of claim 1.

Matthews was cited for allegedly suggesting the limitation in claim 28 of “wherein said time criteria is a hit count”, but does not cure the deficiencies of Naylor and Goyal.

Independent claims 8, 13, 19, 24 and 25 respectively recite “relating a time criteria to said image; and embedding a link to an identifier for identifying on said display a status of said image, wherein said embedded link expires when said time criteria is satisfied”, “identifying via an identifier on said computer screen a status of said image, said identifier being viewable only during a predetermined time criteria”, “relating a time criteria to said image; and embedding a link to an identifier for identifying on said computer screen a status of said image, wherein said embedded link expires when said time criteria is satisfied”, “embedding a link to an identifier for identifying on said WebPage that said image is new, said embedded link automatically expiring after a pre-determined maximum time limit”, and “means for relating a time criteria to said image; and means for identifying on said WebPage a status of said image until said time criteria is satisfied.” Thus independent claims 8, 13, 19, 24 and 25 are patentable over Naylor, Goyal and Matthews for reasons analogous to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims as well as for further patentable features recited therein. For example, dependent claim 2 recites “wherein a status comprises one of a new image, an altered image, and a current image.” With respect to claim 2 the Office Action asserts that the claim incorporates substantially similar subject matter as cited in claim 1, but fails to point out where the limitations of claim 2 are found in Naylor, Goyal or Matthews. Applicant submits that the limitations of claim 2 are not disclosed or suggested in any of Naylor, Goyal or Matthews.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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